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Department of Transportation
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The Kensington View Civic Association **OPPOSES** the abandonment of Kensington Boulevard as requested in AB770 for the following reasons:

Other than the addition of this road in the 2012 Wheaton CBD and Vicinity Sector Plan, nothing has changed since the 2009 denial of the abandonment of this road (AB716) as far as our community is concerned. It is still used as a pedestrian path to Veirs Mill Road for Albert Einstein High and Newport Mill Middle Schools and the residential communities of Kensington View and Crossway Community. When East Avenue is blocked for any reason, this road is a necessary vehicular connection for residents of Kensington Boulevard since Kensington Boulevard dead ends at Upton Drive. Just as Banc Realty patrons use our residential streets, it is sometimes necessary for our residents to cut through their parking lot. Banc Realty owns the parking lot and would have every right to close the parking lot vehicular access to Kensington Boulevard at any time. Banc Realty could close it today, but their patrons would lose access to the Kensington Boulevard and East Avenue residential streets.

The Kensington View subdivision was subdivided and recorded in 1925 (Book 4, Plat 303) and Kensington Boulevard is part of the original residential subdivision. As such, certain development standards are governed by the 1928 Ordinance. The 1928 Ordinance allows single-family homes on lots that have a minimum lot size of 5,000 square feet.

Outlot A (Tax Id 13-01026261) was re-subdivided in 1946 (Plat 1740). As such, it is still governed by the 1928 Ordinance and:

- Is zoned R-60
- At 5,293 square feet is a buildable lot
- Abandonment of Kensington Boulevard would remove street access to this lot and
- Sec. 49-63 (d) states: "A right of way which is the sole means of access to any property must not be abandoned or closed."

2901 Kensington Boulevard (Tax Id 13-01026272) has a single family home adjacent to Outlot A with a lot size of 5,524 square feet. Abandonment of Kensington Boulevard would remove the current driveway access and reduce the front footage of this lot to below the front footage requirement for a buildable lot.

Banc Realty requests the abandonment "to support the redevelopment of the surrounding area and prevent cut-through traffic from Veirs Mill Road through the 11300 Veirs Mill Road property parking lot."

- Since Banc Realty is leaving road access from their parking lot to East Avenue, abandonment WILL NOT prevent cut-through traffic and it will violate Sec.6.1.3B of the zoning code which states: "Land that is located in a Residential Detached zone must not be used for drive-way or vehicular access to any land that is not in a Residential Detached zone." 11300 Veirs Mill Road is zoned CRN, Kensington View is zoned R-60.

- Their “support” of redevelopment is to allow the Wheaton Gateway project to use a road that is currently in the public realm and is listed as a “Residential Primary Proposed” road on Page 61 of the Current Wheaton CBD and Vicinity Sector Plan and on page 22 of its Appendix 3.
- If Kensington Boulevard is abandoned, it would become an R-60 lot that fronts on East Avenue. Banc Realty’s plans would immediately create a violation of Montgomery County laws. Current residential laws in the R-60 zone do not allow paving of more than 35% of their front yards or 320 feet, whichever is greater (www.montgomerycountymd.gov/goodneighbors) and Sec.4.4.1 of the zoning code.

In summation, we believe abandonment of Kensington Boulevard is not in our community’s best interests today and in the future because it would be contrary to the Current Wheaton CBD and Vicinity Sector Plan and would violate many sections of the zoning ordinance. These plans and ordinances are painstakingly crafted to protect communities just like ours and if the county deviates from it today, it sets a precedence for such a deviation in the future – one that could have even more serious implications.

Thank you.

Eleanor Duckett

Acting Chair – Kensington View Civic Association Land Use and Zoning Committee

CC: Marc Elrich, County Executive